

**AGENDA FOR TEXCOM MEETING
TRUST AND ESTATES SECTION, STATE BAR OF CALIFORNIA
SATURDAY, OCTOBER 10, 2009, 9:30 A.M. – 3:30 P.M.
MARRIOTT RENAISSANCE LAX**



"Objection, Your Honor! The prosecution is combining dog years and people years in a callous and deliberate attempt to confuse the witness."

PET TRUST LITIGATION

**I. WELCOME, REPORTS OF CHAIR AND SECTION ADMINISTRATOR
(20 Minutes)**

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| A. Welcome | HORTON |
| B. Approval of Minutes of the June 6, 2009, Meeting | HORTON |
| C. Report of the Chair | HORTON |
| 1. Meeting Times | |
| D. Report of the Vice Chair | LODISE |
| 1. Finance Report | |
| E. Report of the Section Liaison | ORLOFF |
| F. Report from the Council of State Bar Sections | STERN |

COMMITTEE REPORTS

II. EADE (45 minutes)	CHAIR JOHN HARTOG
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III. EDUCATION (5 minutes)	CHAIR BART SCHENONE
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- A. Webinar programs**
- B. January SEI program**
- C. November roadshow**
- D. Sophisticated tax issues**
- E. Spring program on international law**

IV. ETHICS (45 Minutes)	CHAIR JEFF JAECH
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- A. Proposed Rule of Prof. Conduct 1.14**
- B. Proposed Rule of Prof. Conduct 1.6**
- C. Proposed Rule of Prof. Conduct 6.4**

**V. JOINT ETHICS – INCAP COMMITTEE CHAIRS JEFF JAECH & ED COREY
(10 minutes)**

- A. Proposed B & P § 6068.5**
- B. Proposed Rule of Prof. Conduct 1.14**
- C. Proposed Rule of Prof. Conduct 1.6**

**VI. INCAPACITY – CHAIR ED COREY
(10 minutes)**

- A. Conservatorship: Disposition of Remains
(Health & Safety Code § 7100)**
- B. Elder Abuse: Fees for Guardian ad Litem**
- C. Using Trust Funds to Pay Conservator's Fees without a Court Order**
- D. Legislative watch list**

- 1. AB 82 (Evans) – Dependent Children, Psychotropic Medications LODISE**
- 2. AB 215 (Feuer) – Skilled Nursing Facilities: Ratings BELTRAN**
- 3. AB 276 (Hayashi) – Professional Fiduciaries MATULICH**
- 4. AB 329 (Feuer) - Reverse Mortgages BURNS**
- 5. AB 46 (Block) - Developmental Services:
Consumer Abuse Registry LODISE**
- 6. AB 681 (Hernandez) - Confidentiality of Medical Information:
Psychotherapy LODISE**
- 7. AB 768 (Torres) - Elder Abuse COREY**
- 8. AB 989 (Block) - Senior Insurance LODISE**
- 9. SB 92 (Aanestad) - Health Care Reform LODISE**
- 10. SB 308 (Harman) - Prof. Fiduciaries & Donative Transfers MATULICH**
- 11. SB 344 (Stickland) - Crimes against Elders COREY
And Dependent Adults**
- 12. SB 660 (Wolk) - Reverse Mortgages BURNS**

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| 13. | SB 661 (Wolk) - Admission Agreements | COREY |
| 14. | SB 819 (Yee) - Professions and Vocations | MATULICH |

**VII. TRUST AND ESTATE ADMINISTRATION – CHAIR JEREMY CRICKARD
(60 minutes)**

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|---|-----------------------|
| A. Directed Trusts | HAYES |
| B. Section 16350 Hasso v. Hasso project | SCHENONE |
| C. Publication of Notice | HAND |
| D. Conforming Prob. & Calif. Ltd. Partnership Law | SCHENONE |
| E. Updating Intestacy Laws | |
| F. Legislative watch list | |
| 1. AB 355 (Ammiano) Sister State Personal Representative | SCHENONE/
MATULICH |
| 2. SB 49 (Correa) Personal Information, SSNs | GERSON |
| 3. SB 276 (Harman) Nonprobate Transfers, Community Property | SCHENONE |
| 4. SB 367 (Harman) Duty to Report, Trustee Notification | HAND |

**VIII. LITIGATION – CO- CHAIRS DAVID BAER and MARC SALLUS
(15 minutes)**

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|--|------|
| A. Evidentiary hearings for probate proceedings | BAER |
| B. Probate Code section 15804 (Virtual Representation) | BAER |
| C. Mediation – Pilot Project | |
| D. Clean up no contest clause re probable issues | |
| E. Disinheritance of first degree heir | |
| F. Projects: | |
| 1. Mechanism to require evidentiary hearing | |
| 2. Discovery cut off | |
| 3. Motions in limine | |
| 4. Setting evidentiary hearings and trial setting conference | |
| 5. Joint trial statements | |

6. Setting of trial dates v. time for MSJ or discovery
7. Rights to amend and supplement petitions and response and cut off
8. Consolidated petitions

G. New Cases of Interest

ANDY ZABRONSKY

**IX. MEMBERSHIP AND MARKETING –
(5 minutes)**

CHAIR BECKY SCHROFF

A. Do I need a will?

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**X. EDUCATING SENIORS -
(5 minutes)**

CHAIR JAYNE LEE

XI. INCOME AND TRANSFER TAX -

CHAIR JEFF JAECH

A. Legislative watch list

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|---|-----------------|
| 1. AB 103 (De Leon) - Property Taxes Change in Ownership Exclusion | PHARIES |
| 2. AB 129 (Ma) - Confidentiality Taxpayer Communications | JAECH |
| 3. AB 321 (Niello) - Property Tax Base Year Transfers | PHARIES |
| 4. AB 1545 - Uniform Principal & Income Act: Trust Administration Income and Payments | CRICKARD |
| 5. SB 274 (Dutton) - Property Tax Base Year Transfers | PHARIES |
| 6. SCA 11 (Dutton) - Property Tax Base Year Transfers | PHARIES |

**XII. NCCUSL -
(5 minutes)**

CHAIR NANCY HOWARD

A. Uniform Parentage Act

**XIII. ESTATE PLANNING -
(10 minutes)**

CHAIR CHARLOTTE ITO

A. Repeal of Rule Against Perpetuities

HAYES

B. Estate of Powell

C. Legislative Watch List

1. AB 442 (Arambula) – Notaries

SCHENONE

2. AB 724 (Devore) Revocable TOD deeds

ITO

3. AB 898 (Lieu) – Notary public

4. AB 1132 (Jones) Vehicle registration: organ and tissue donation **RICHARDS**

5. SB 98 (Calderon) Life Insurance contracts and viatical settlements **HOWARD**

6. SB 237 (Calderon) Real Estate Appraisers

RICHARDS

**XIV. CLRC –
(5 minutes)**

CHAIR DAVID BAER

A. Legislative watch list

1. SB 105 (Harman) – Donative Transfers

2. SB 1163 (Tran) – Atty Client Privilege

**XV. LEGISLATION
(10 minutes)**

A. Conference of Delegates

B. Legislative proposals

EHRMAN/COREY

1. Appointment of counsel for proposed conservatee
(Prob. C. § 1470) (T&E – 2010-06)

2. Revision of statutory will form
(Prob. C. § 6240) (T&E – 2010-07)
3. Collection of small estates
(Prob. C. §§ 13050, 13100, 13101, 13151, 13152, 13154, 13200, 13600, 13601, 13602) (T&E – 2010-08)
4. Statutory form power of attorney
(Prob. C. §§ 4260, 4264, 4401) (T&E – 2010-09)
5. Hearing procedures
(Prob. C. §§ 1000, 1022) (T&E – 2010-10)

XVI. QUARTERLY – Executive Director: PHIL HAYES; Editor: ANDY ZABRONSKY (5 minutes)

- A. Spring issue
- B. Summer issue
- C. Fall issue deadlines
 1. Manuscript
 2. Alerts
- D. Winter issue deadlines
 1. Manuscripts
 2. Alerts

XVII. NEW BUSINESS

XVIII. UPCOMING ATTRACTIONS

- A. THE LAW AND ELDER ABUSE – The Firehouse Restaurant, Old Sacramento (October 20, 2009)
- B. STATE BAR FALL PROGRAM – Soffitel Hotel, Redwood Shores (November 13, 2009)
- C. TEXCOM MEETING – SFO Westin (November 14, 2009)